

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
US DISTRICT COURT
★ APR 28, 2016

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BROOKLYN OFFICE

-----X
MATT RAVENELL, individually and on behalf of
all other persons similarly situated, *et al.*,

Plaintiffs,

-against-

AVIS BUDGET GROUP, INC., AVIS BUDGET
CAR RENTAL, LLC and AVIS RENT A CAR
SYSTEM, LLC,

Defendants.
-----X

MEMORANDUM & ORDER

08-cv-2113 (ENV) (SMG)

FREDERICK RUFFIN, JR. and LORETTA
DONATELLI, individually and on behalf of all other
persons similarly situated, *et al.*,

Plaintiffs,

-against-

AVIS BUDGET CAR RENTAL, LLC and AVIS
RENT A CAR SYSTEM, LLC,

Defendants.
-----X

15-cv-3618 (ENV) (SMG)

VITALIANO, D.J.

On July 17, 2015, the parties in these two FLSA actions sought by motion approval of a settlement agreement that would resolve both cases. On January 22, 2016, the application was referred to Magistrate Judge Steven M. Gold for a Report and Recommendation ("R&R"). The R&R issued on March 14, 2016. The March 31, 2016 deadline for objections, clearly announced in the R&R, has passed without the filing of any written objection. Nor has any been filed since.

Discussion

At the heart of his analysis, Judge Gold found that the proposed \$7.8 million settlement

was reached after extensive arm's-length, good-faith negotiations by competent counsel, and that the amount agreed upon was fair and reasonable. R&R at 2-3. His R&R, following suit, recommends adoption of the settlement agreement, with two minor modifications. First, Judge Gold recommends a slight reduction of the proposed award to counsel from \$2.6 million to \$2,503,000, so that the total award, including costs and expenses, does not exceed one-third of the net settlement fund. Id. at 3-4. Second, Judge Gold recommends a reduction of the proposed service awards to the three named plaintiffs from \$15,000 to \$5000, which is more commensurate to their role in these cases. Id. at 4-5.

In reviewing a report and recommendation of a magistrate judge, a district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). A district judge is required to “make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge’s disposition to which specific written objection has been made” by any party, Fed. R. Civ. P. 72(b), but where no timely objection has been made, the “district court need only satisfy itself that there is no clear error on the face of the record” to accept a magistrate judge’s report and recommendation. Urena v. New York, 160 F. Supp. 2d 606, 609–10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

Given that no objection to the R&R has been filed, and the deadline to do so has passed, the Court need only conduct a clear error review. Now, having reviewed the R&R in accord with that standard, the Court is satisfied that there is no clear error on the face of the record. Therefore, the Court adopts it, and its modification of the settlement agreement, in its entirety as the opinion of the Court.

Conclusion

For the foregoing reasons, the parties' proposed settlement agreement, including attorney's fees, is approved, incorporating the modifications set forth in the R&R.

The parties are directed to submit, for the Court's consideration and entry, a revised stipulation and order of dismissal.

So Ordered.

Dated: Brooklyn, New York
April 19, 2016

/s/ ERIC N. VITALIANO

ERIC N. VITALIANO
United States District Judge